

SECOND REGULAR SESSION

# HOUSE BILL NO. 1503

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PACE (Sponsor), ELLINGER, PIERSON, McCREERY, WEBB, CARTER, NASHEED, STILL, SHIVELY, QUINN, COLONA, DENISON, BRATTIN, SMITH (71), TAYLOR, TALBOY, ATKINS, HUBBARD, HODGES, JONES (63), WALTON GRAY, OXFORD, McGEORGHEGAN, ELLINGTON, KIRKTON, MAY, SPRENG, NICHOLS, SWEARINGEN, SCHUPP, MEADOWS AND MONTECILLO (Co-sponsors).

5452L.01H

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 565, RSMo, by adding thereto three new sections relating to assault of a utility worker or an employee of a mass transit system, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 565, RSMo, is amended by adding thereto three new sections, to be known as sections 565.066, 565.067, and 565.068, to read as follows:

**565.066. 1. A person commits the crime of assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties.**

**2. As used in this section, the term "utility worker" means any employee, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.**

**3. As used in this section, "mass transit system", includes employees of public bus and light rail companies.**

**4. Assault of a utility worker or an employee of a mass transit system in the first degree is a class B felony.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

**565.067. 1. A person commits the crime of assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:**

**(1) Knowingly causes or attempts to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;**

**(2) Knowingly causes or attempts to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;**

**(3) Recklessly causes serious physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties;**

**(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties;**

**(5) Acts with criminal negligence to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;**

**(6) Purposely or recklessly places a utility worker or an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate serious physical injury; or**

**(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties.**

**2. As used in this section, the term "utility worker" means any employee, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.**

**3. As used in this section, "mass transit system", includes employees of public bus and light rail companies.**

**4. Assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the second degree is a class C felony unless committed under subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class B felony.**

2       **565.068. 1. A person commits the crime of assault of a utility worker or an**  
3 **employee of a mass transit system while in the scope of his or her duties in the third degree**  
4 **if:**

5       **(1) Such person recklessly causes physical injury to a utility worker or an employee**  
6 **of a mass transit system while in the scope of his or her duties;**

7       **(2) Such person purposely places a utility worker or an employee of a mass transit**  
8 **system while in the scope of his or her duties in apprehension of immediate physical injury;**

9       **(3) Such person knowingly causes or attempts to cause physical contact with a**  
10 **utility worker or an employee of a mass transit system while in the scope of his or her**  
11 **duties without the consent of the utility worker or employee of the mass transit system.**

12       **2. As used in this section, the term "utility worker" means any employee, including**  
13 **any person employed under contract, of a utility that provides gas, heat, electricity, water,**  
14 **steam, telecommunications services, or sewer services, whether privately, municipally, or**  
15 **cooperatively owned.**

16       **3. As used in this section, "mass transit system", includes employees of public bus**  
17 **and light rail companies.**

18       **4. Assault of a utility worker or an employee of a mass transit system while in the**  
19 **scope of his or her duties in the third degree is a class B misdemeanor.**

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